

**Before the
Federal Communications Commission
Washington, D.C. 20554**

RECEIVED
OCT - 6 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment to Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Tipton, Mangum, and Eldorado,)
Oklahoma))

MM Docket No. 99-23
RM-9423

DOCKET FILE COPY ORIGINAL

To: Chief, Allocations Branch
Mass Media Bureau

**Elimination of Conflict with Other Parties;
and
Request for Acceptance of Components of Texas
Grace Communications' Counterproposal**

Texas Grace Communications ("Texas Grace"), by Counsel, hereby respectfully submits the following pleading, "Elimination of Conflict With Other Parties; and Request for Acceptance of Components of Texas Grace Communications' Counterproposal". In support thereof, the following is shown:

1. Texas Grace is the permittee of Radio Station KRZB (FM), Archer City, Texas, and is a party to the *Notice of Proposed Rulemaking for Tipton, Mangum, and Eldorado, OK*, MM Docket No. 99-23, RM-9423, (released January 22, 1999) ("NPRM"). Several pleadings were filed by Texas Grace in response to the NPRM. Additional pleadings were filed by petitioner Good Government Radio ("Good Government"), Attorney Mark N. Lipp, and engineer Paul Reynolds.

2. Texas Grace notes that petitioner Good Government has requested the *immediate withdrawal and cancellation* of Good Government's proposed

allocation of Channel 249C2 at Tipton, Oklahoma¹. Texas Grace supports Good Government in its request.

3. Concurrent with Good Government's Request for withdrawal and cancellation of its Petition, and Commission acceptance thereof, Texas Grace accordingly withdraws its protest/complaint as had been previously lodged in this proceeding against the petitioning entity Good Government, Attorney Mark N. Lipp, and engineer Paul Reynolds.

**Request for Commission Acceptance of Components
of Texas Grace Counterproposal -- Which Now Face
No Conflict**

4. In light of the withdrawal of the proposed Channel 249C2 Allocation at Tipton, Texas Grace respectfully requests that the following components of its Counterproposal to this proceeding -- which no longer face any conflict -- be accepted by the Commission accordingly:

- A. Approval is now requested on Texas Grace's pending Construction Permit Application BMPH-990217IB, as Amended, allowing C2 Service for KRZB/Archer City, TX, pursuant to MM Docket 97-225².
- B. Upgrade of service for KRZB, from Channel 248C2 to Channel 248C1 at Archer City, is also

¹ Request for Withdrawal/Cancellation by Good Government is being filed simultaneously with the submission of this Pleading.

² The Commission should please note that timely approval of this pending Application is *vital* to the livelihood of KRZB (FM), since the Station has yet to be issued any Construction Permit specifying Archer City, TX as its new community of License.

requested, as counterproposed by Texas Grace on March 15, 1999. However, Texas Grace requests that the Class C1 reference site coordinates as initially counterproposed be amended herein³, in compliance with the minimum spacing requirements set forth in *Section 73.207* of the Rules.

The **AMENDED** Coordinates are: 33-36-58 N x 98-51-42 W. The Amended C1 facility site proposal is fully detailed in the attached Engineering Exhibit prepared by technical consultant Lee Wheeler.

- C. Request is reiterated for establishment of first local FM service on Channel 282C3 at Granite, OK, as counterproposed by Texas Grace on March 15, 1999.

5. Texas Grace has not been paid, nor has Texas Grace been promised any consideration payment for withdrawal of its protest/complaint as had been previously lodged in this proceeding against Good Government, Mark N. Lipp, and Paul Reynolds.


³ Texas Grace has learned that those coordinates are potentially in conflict with another intended allocation.

Conclusion

In consideration of the foregoing, **Texas Grace Communications** respectfully requests the **Acceptance** and **Approval** of the matters set forth above.

Respectfully Submitted

Texas Grace Communications

A handwritten signature in black ink, appearing to read "John C. Trent", written over a horizontal line.

By: _____
John C. Trent, Esquire
Its Counsel

*Putbrese Hunsaker & Trent, P.C.
P.O. Box 217
Sterling VA 20167-0217*

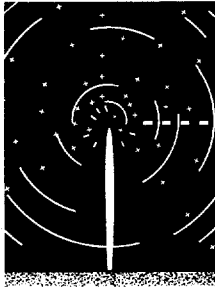
October 6, 1999

Verification

I, Dave Garey, Proprietor of **Texas Grace Communications**, do hereby verify, to the best of my knowledge and belief, the truthfulness and accuracy of the forgoing document.

A handwritten signature in cursive script, appearing to read "Dave Garey", is positioned above a horizontal line.

Dave Garey, Proprietor
Texas Grace Communications



WHEELER **BROADCAST** CONSULTING

Engineering Statement

Amendment to a Rule Making Proceeding Counterproposal to RM-9423

This consultant has been retained on behalf of Texas Grace Communications for the purpose of preparing an amendment to its previously filed counterproposal in RM-9423 at Tipton, OK.

Background

Through RM-9423, Good Government Radio sought to allocate Channel 249 C2 to Tipton, OK. The proposed Tipton, OK allocation was found to be in conflict with Texas Grace Communications' proposed Class C2 facility for KRZB Archer City, TX; its desire to upgrade from Channel 248 C2 to Channel 248 C1; and its desire to provide a first local service to Granite, OK on Channel 282 C3. As such, Texas Grace filed a counterproposal which sought a preferential arrangement of the table of allotments.

6025 MARTEWAY
SUITE 112
MISSION, KS 66202
913.362.7282
913.362.7287

Subsequent to the filing of the Texas Grace counterproposal, Good Government Radio filed a letter with the Commission in which it seeks the immediate withdrawal and cancellation of its proposed Channel 249 C2 allocation at Tipton, OK. This action clears the way for the grant of the KRZB Class C2 application, BPH-990217 IB, as amended, the Channel 248 C1 upgrade allocation at Archer City, TX, as well as the allocation of Channel 282 C3 at Granite, OK.

Amendment

Texas Grace seeks to slightly alter the allocation reference coordinates of its Channel 248 C1 proposal. As originally submitted, Texas Grace Communications used the following coordinates¹:

33° 35' 38" N
98° 51' 18" W

Texas Grace has learned that those coordinates are potentially in conflict with another intended allocation and, as such, seeks to alter the allocation point by moving it 2.45 km NE. The proposed alternate allocation point for Channel 248 C1 at Archer City, TX is thus:

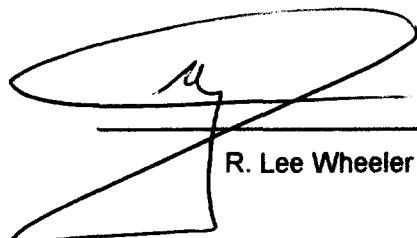
33° 36' 58" N
98° 51' 42" W

Exhibit 1 of this report is a search of the Commission's September 10, 1999 FM database that indicates that the proposed Channel 248 C1 alternate allocation point is compliant with the minimum spacing requirements of 47 CFR 73.207. Exhibit 2 is a digitally generated map that further indicates that a model Class C1 facility, 100 kW at 299m HAAT, would continue to provide the community of Archer City, TX with a signal well in excess of 70 dBu as set forth in 47 CFR 73.315 of the Rules.

Certification

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

9/17/99
Date


R. Lee Wheeler

¹ We note that the Commission's database is in error as it lists the KRZB Class C1 allocation point at 34° 38' 55" N by 99° 14' 21" W.

WHEELER BROADCAST CONSULTING
6025 Martway - Suite 112 - Mission KS 66202

Texas Grace Communications
Ch. 248 C1, Archer City Texas

REFERENCE		DISPLAY DATES
33 36 58 N	CLASS C1	DATA 09-10-99
98 51 42 W	Current rules spacings	SEARCH 09-16-99
----- CHANNEL 248 - 97.5 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
ALOPEN	248C2	Archer City	TX	96.5	22.08	224.0	-201.92 *
KRZB.C	248C2	Olney	TX	157.1	29.79	224.0	-194.21 *
DE248	248C2	Archer City	TX	157.1	29.79	224.0	-194.21 *
KRZB.A	248C2	Archer City	TX	35.9	33.63	224.0	-190.37 *
AD248	248C1	Archer City	TX	343.3	119.70	245.0	-125.30 *
DE249	249C2	Tipton	OK	336.1	117.34	158.0	-40.66 *
AD249	249C2	Tipton	OK	336.1	117.34	158.0	-40.66 *
KLAK	248C2	Durant	OK	87.2	224.48	224.0	0.48 <
KEASFM	249A	Eastland	TX	176.5	135.52	133.0	2.52 <
KEASFM	249A	Eastland	TX	176.5	135.52	133.0	2.52 <
ALOPEN	249C3	Healdton	OK	58.9	147.27	144.0	3.27
KGOKFM	249C3	Healdton	OK	57.3	153.00	144.0	9.00
DE249	249A	Mangum	OK	337.4	151.47	133.0	18.47
KHIM	249A	Mangum	OK	337.4	151.47	133.0	18.47
AD246	246C1	Haskell	TX	240.5	102.12	82.0	20.12
AD246	246A	Duncan	OK	58.8	96.37	75.0	21.37
KWTXFM	248C	Waco	TX	149.7	291.73	270.0	21.73
KWTXFM	248C	Waco	TX	150.0	292.97	270.0	22.97
KGKLFM	248C1	San Angelo	TX	212.1	276.63	245.0	31.63
KJMZ	251C1	Lawton	OK	23.2	117.87	82.0	35.87
KWEYFM	247C1	Weatherford	OK	3.1	214.91	177.0	37.91
ALOPEN	246A	Eldorado	OK	323.0	119.65	75.0	44.65
DE246	246A	Eldorado	OK	323.0	119.65	75.0	44.65
AD245	245A	Eldorado	OK	323.0	119.65	75.0	44.65
DE246	246A	Eldorado	OK	323.0	119.65	75.0	44.65

Certificate of Service

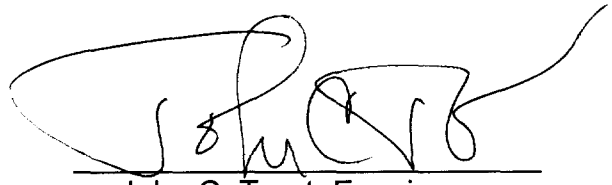
I, John C. Trent, Counsel to **Texas Grace Communications**, do hereby certify that I have on this 6th day of October 1999 caused to be mailed by first class mail, postage prepaid, copies of the "Elimination of Conflict with Other Parties; and Request for Acceptance of Components of Texas Grace Communications' Counterproposal" to the following:

*Ms. Leslie K. Shapiro
Federal Communications Commission
Allocation Branch
445 12th Street, S.W.
Room 3-A360
Washington, D.C. 20554

Mark N. Lipp, Esquire
Shook, Hardy & Bacon, LLP
600 14th Street, NW
Suite 800
Washington, D.C. 20005

Paul Reynolds
415 North College Street
Greenville, AL 36037

Ellinor Nelson
Good Government Radio
P.O. Box 478
Gonzales, FL 32560



John C. Trent, Esquire

* By Hand and U.S. Mail